

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

7865 INDUSTRIAL DRIVE, LLC, an Illinois limited liability company,)	
)	
Plaintiff,)	Case No. 08-1147
)	
v.)	Hon. Judge Elaine E. Bucklo
)	
THE VILLAGE OF FOREST PARK, an Illinois municipality.)	
)	

**PLAINTIFF'S UNCONTESTED MOTION FOR
LEAVE TO FILE ITS SECOND AMENDED COMPLAINT**

Plaintiff, 7865 INDUSTRIAL DRIVE, LLC, by its undersigned counsel, pursuant to Federal Rule of Civil Procedure 15(a), for its Uncontested Motion for Leave to File its Second Amended Complaint (attached hereto as Exhibit A), states as follows:

1. Plaintiff filed its original Complaint on February 25, 2008. The original Complaint challenged the constitutionality of the Village of Forest's Local Ordinance O-57-07, entitled "An Ordinance Amending the Village Code Providing for the Licensing and Regulation of Sexually Oriented Businesses in the Village of Forest Park, Cook County, Illinois" (the "Ordinance").

2. Plaintiff filed its Amended Complaint on March 18, 2008. The Amended Complaint challenged the constitutionality of Section 11-5-1.5 of the Illinois Municipal Code, 65 ILCS 5/11-5-1.5 (the "Municipal Code"), as well as that of the Ordinance. Plaintiff's Amended Complaint was filed as of right pursuant to the provisions of Federal Rule of Civil Procedure 15(a)(1).

3. Plaintiff seeks leave to file its Second Amended Complaint, attached hereto as Exhibit A. This amendment separates Plaintiff's challenges to the Ordinance and the Municipal

Code into two separate counts for the purpose of clarity. This amendment also adds the declaratory judgment provision of Title 28 of the United States Code, 28 U.S.C. § 2201, as an additional statutory basis for the relief sought by Plaintiff.

4. Plaintiff and Defendant have conferred and Defendant has represented that it has no objection to the filing of Plaintiff's Second Amended Complaint. Defendant has further agreed that it will not move to dismiss the Second Amended Complaint and will answer the same within twenty days of filing.

WHEREFORE, Plaintiff requests that this Court enter an Order granting Plaintiff leave to file its Second Amended Complaint.

Respectfully submitted,

7865 INDUSTRIAL DRIVE, LLC

By: s/Stan Sneeringer
One of its Attorneys

Lawrence W. Byrne
Stan C. Sneeringer
PEDERSEN & HOUP
161 North Clark Street
Suite 3100
Chicago, Illinois 60601-3242
(312) 641-6888

CERTIFICATE OF SERVICE

Stan C. Sneeringer, an attorney, states that he caused a copy of the foregoing **PLAINTIFF'S UNCONTESTED MOTION FOR LEAVE TO FILE ITS SECOND AMENDED COMPLAINT** to be served upon the following counsel of record:

SERVICE LIST

Elisha S. Rosenblum
O'Halloran Kosoff Geitner & Cook, LLC
650 Dundee Road, Suite 475
Northbrook, IL 60062

via electronic filing on June 19, 2008.

/s/Stan Sneeringer